

SEBRIS BUSTO JAMES
a professional service corporation

MEMORANDUM

CONFIDENTIAL & PRIVILEGED
Attorney-Client Communication

VIA ELECTRONIC MAIL

TO: General Counsel, Washington State Bar Association
FROM: Jillian Barron
DATE: July 16, 2018
RE: Washington State Bar Association Investigation

I. Introduction

At your request, I conducted an investigation into recent allegations by a Washington State Bar Association ("WSBA") employee, Kara Ralph, of unwanted personal attention by Dan Bridges—now a member of the WSBA Board of Governors ("BOG")—during a WSBA retreat in July 2016. This memorandum briefly summarizes my findings and conclusions. In short, while Ms. Ralph's and Mr. Bridges' accounts of the circumstances are consistent in many respects, with regard to the conduct on which they disagree I find it more likely than not that Mr. Bridges engaged in certain actions that he strongly denies. Even so, Ms. Ralph acknowledges that Mr. Bridges has done nothing of a similar nature since that time. Other witnesses with whom I spoke were not aware of any similar conduct by Mr. Bridges toward other WSBA staff or Governors.

II. Process

I interviewed the following individuals: Ms. Ralph; Mr. Bridges; Margaret Shane, who is Ms. Ralph's supervisor; and Governors Angela Hayes, Rajeev Majumdar, and Athan Papailiou. I also spoke briefly with WSBA General Counsel Sean Davis.

In addition, I reviewed documents Mr. Bridges provided, specifically, emails between Ms. Ralph and him relating to BOG arrangements, and police records regarding an incident mentioned in his and Ms. Ralph's interviews. I also spoke briefly with a manager at the Marcus Whitman Hotel in Walla Walla and reviewed documents she provided showing the hotel's floor plans and the rooms to which Ms. Ralph and Mr. Bridges were assigned.

III. Evidence

Ms. Ralph began working for WSBA in July 2016 as an Events & Sponsorship Specialist. Her responsibilities included coordinating events for the BOG, such as arranging the lodging and food for their meetings and attending events to provide support. She and Mr. Bridges both attended a BOG retreat/meeting held at the Marcus Whitman Hotel in Walla Walla in July 2016. Mr. Bridges had just been elected a Governor but had not yet been sworn in.

After dinner on one of the evenings during the retreat, Mr. Bridges joined Ms. Ralph, who was sitting alone at a table in the hotel bar having a drink. The two ended up conversing for an hour or more, at one point moving to sit at the bar, where they continued their discussion. Noting that almost two years have elapsed since then, Ms. Ralph and Mr. Bridges each say they do not recall all the details of their conversation. While they independently describe some of the same things, they differ on a few points.

Both individuals say they shared personal information, such as whether they were married and had children. They agree Ms. Ralph said she was divorced, was now dating "girls," and was in a relationship. Ms. Ralph recounts that she said something about what she liked about women; although she doesn't recall the specifics, she says the comment was stupid and she is still embarrassed to have said it. Mr. Bridges describes what appears to have been the same comment as having been of a sexual nature. He does not recall the exact statement either but says he was surprised by it and viewed it as "oversharing" and perhaps intended to startle him.¹

Despite these consistencies, Ms. Ralph and Mr. Bridges indicate they perceived the conversation very differently. Ms. Ralph says Mr. Bridges told her early on that he doesn't believe in being monogamous. She says she responded that she does. She felt he was trying to initiate something with her, so, as a way to put him off, she told him that after her divorce she wasn't into guys and was dating girls.² After she shared that her former husband was an alcoholic, Ms. Ralph says, Mr. Bridges told her about an incident where he drove off the road while drunk, then represented himself in court and got off. Ms. Ralph says the story worried her; she wasn't sure why he shared it and didn't want to get mixed up with someone willing to lie. She says she wanted to end the conversation but was afraid that if she got up Mr. Bridges would follow her, so she stayed longer than she would have liked.

In contrast, Mr. Bridges describes the exchange as a typical get-to-know-you discussion in which he and Ms. Ralph first spoke about their new roles with WSBA, then moved on to the kind of general personal information one shares in social settings. Mr. Bridges denies saying he

¹ Mr. Bridges notes that he later told Mr. Majumdar, another incoming Governor, about Ms. Ralph's oversharing of personal information. Mr. Majumdar recalls Mr. Bridges mentioning at the retreat that he had spoken with Ms. Ralph and was surprised she was so free and open about her personal life, including the fact she had a girlfriend.

² Ms. Ralph says she has dated women, but no one knows that, and she is disappointed she mentioned it to Mr. Bridges, albeit as a way to head off what she believed was his interest in a possible relationship with her.

doesn't believe in monogamy; he says he is married and has always been monogamous.³ He also denies saying he drove off the road when drunk but beat the charge; he says he once drove off the road when fussing with his radio, but he was not drunk and he paid the ticket for inattentive driving. Mr. Bridges doesn't recall telling Ms. Ralph about the incident but says it is one of the silly kinds of things one talks about in such conversations.⁴ He denies that he or Ms. Ralph displayed any sexual interest in the other, and says he thought they just had a good rapport.

Ms. Ralph says that when she finally left the bar and walked to the elevator, Mr. Bridges followed and got on the elevator with her. His room was on a floor below hers, but when the elevator got to his floor, he didn't get off and said something like, "I think I'll go to your room." She responded, "No, I have to get up early." She says she felt she had been clear the whole night that she wasn't interested in a relationship with him, but they had been drinking quite a bit.⁵ When they got to her floor, she recounts, she pushed the button for Mr. Bridges' floor, blocked the elevator door, and said, "If you get off this elevator we're going to have a problem." But she felt awkward saying that to a Governor, so she then gave Mr. Bridges a quick hug. Mr. Bridges did not get off the elevator on her floor.⁶

Mr. Bridges' account of the circumstances after he and Mr. Ralph left the bar evolved over the course of our two meetings. In the first interview, he began by saying he remembers he did *not* invite Ms. Ralph to his room.⁷ He then described returning to his room, asserting more than once that it was on the ground floor and he did not take the elevator. He said Ms. Ralph and he "had a little hug" by the elevator, but he did not get on the elevator with her. He denied saying anything about going to her room, and denied Ms. Ralph told him that if he got off the elevator with her there would be a problem; for that to have happened, he said, he would have had to be foolish enough to walk off an elevator with her in an area where all the staff rooms were.

Before Mr. Bridge's second interview, I was able to determine that his hotel room was on the second floor of the same tower in which Ms. Ralph's room was on the fourth floor. When I now asked how he remembered his room being on the first floor, he spoke about the layout of the

³ Other witnesses say Mr. Bridges speaks about his wife quite often and has never talked about having relationships outside his marriage.

⁴ Upon further thought, Mr. Bridges recounted that some years earlier he was unfairly ticketed for making a left turn into his driveway, but an attorney he hired got the ticket thrown out. He doesn't remember whether he mentioned that to Ms. Ralph. After his initial interview, Mr. Bridges provided police records regarding the inattentive-driving incident. The documentation, which does not mention alcohol being involved, supports his version of the situation.

⁵ Ms. Ralph denies having had the impression that Mr. Bridges was drunk, however. He denies that they drank more than a glass or two of wine apiece.

⁶ Ms. Ralph says she thinks Mr. Bridges may have asked her later during the retreat if she wanted to go to his room, but she is not certain that occurred and provides no context or specifics of such a comment.

⁷ When asked why he recalled that, Mr. Bridges said he understood from Mr. Davis that Ms. Ralph was uncomfortable about something he had supposedly said about his room. Mr. Davis denies telling Mr. Bridges any such specifics about Ms. Ralph's allegations; he says he told Mr. Bridges only that there was an allegation by Ms. Ralph related to the Walla Walla retreat.

hotel and parking lot. When asked whether he had taken the elevator *at all* during the visit, he said his firm memory was no, but he does litigation and knows about the fallibility of witness testimony, and it is possible that he was chatting with Ms. Ralph and inadvertently got on the elevator with her. But he did not recall doing that or having to get off the elevator after having mistakenly gotten on. He complained that these issues are “so inconsequential,” inasmuch as “nothing happened.” I then told him hotel records show his room was on the second floor. When asked whether he had reason to dispute that, he said no but he now had an “easy recollection”: for a second-floor room, he “usually” takes the stairs. He said that might have led him to recall not taking the elevator. He then said more definitively that he “always” takes the stairs if his room is on the second floor. While it is possible he did get on the elevator with Ms. Ralph, he said, he “firmly” did not have a memory of doing so. Asked again whether he had said anything about going to Ms. Ralph’s room, he said, “It did not happen.”

Ms. Ralph says that since the Walla Walla incident, her interactions with Mr. Bridges have been normal, and he hasn’t done anything of a similar nature. When asked what led her to bring up the Walla Walla incident almost two years later, she says that in response to Mr. Papailiou’s inquiry at a recent conference about her perception of the Governors, she commented about Mr. Bridges not being very ethical, then shared that he had said he wasn’t monogamous and tried to go to her room.⁸ It was Mr. Papailiou who then decided to report her information on for further follow up. Ms. Ralph indicates she didn’t report the Walla Walla incident earlier because, based on her past experience, and before the #MeToo movement, she didn’t think anything would be done about sexual harassment. She also was embarrassed about the incident because she hugged Mr. Bridges and told him she was dating girls. In her interview, Ms. Ralph appeared emotional and anxious. She expressed concern about whether Mr. Bridges would deny what happened, and about how she would deal with him once he knew about her allegations.

Mr. Bridges says Ms. Ralph seemed comfortable with him during the Walla Walla incident and has seemed so since then. He says they have exchanged friendly, sometimes joking emails about BOG logistics, and he has chatted with her briefly at BOG events.⁹ He says he doesn’t know why she would say he told her he isn’t monogamous, or that he got on the elevator with her and said he was going to her room, but he notes that people sometimes remember things that didn’t occur. He also doesn’t know why she would bring up their interaction in Walla Walla so long after it occurred, but speculates that Ms. Ralph may have been used as a pawn in some of the political disputes going on within WSBA. In particular, he says he and another Governor have been advocating for changes that would impact staff, which he believes has led some staff members to dislike him.

⁸ Mr. Papailiou describes how Ms. Ralph came to speak about the incident differently. He says he was intentionally taking some alone time at the bar during the conference, when Ms. Ralph, who seemed upset and a bit inebriated, joined him. Without any prompting on his part that he can recall, she began to tell him about the Walla Walla incident.

⁹ The email exchanges Mr. Bridges provided are brief and friendly in a professional way.

Ms. Shane says that on one occasion earlier this year, Ms. Ralph was sitting in a chair, leaning forward with her elbow on a table, when Mr. Bridges, who was chatting with Ms. Ralph and Ms. Shane, put his arm on the back of Ms. Ralph's chair without making any physical contact with her. Ms. Shane says Ms. Ralph tensed up and, after Mr. Bridges walked away, shuddered.¹⁰ With the exception of that instance, Ms. Shane and other witnesses say they have not noticed anything unusual in the interactions between Ms. Ralph and Mr. Bridges. A few witnesses describe Mr. Bridges as appearing arrogant and disrespectful toward those who do not agree with him. Other than Ms. Ralph's account of the Walla Walla incident, however, none of the individuals I interviewed indicated they had experienced, observed, or heard of any sexual advances by Mr. Bridges toward women at WSBA.

IV. Conclusions

Ms. Ralph and Mr. Bridges agree on many of the elements of their encounter during the Walla Walla retreat, and I found them both to be generally credible. However, on the major issue where they disagree—Mr. Bridges' accompanying Ms. Ralph on the elevator, not getting off at his floor, and saying something about going to her room—I find Ms. Ralph's account to be more likely.

For Ms. Ralph's part, I have found no evidence of a motive for her to make up that aspect of her story. She indicates she is uncomfortable with what she perceives as Mr. Bridges' abrasive and disrespectful attitude toward others. But I found nothing that suggests her venting to Mr. Papailiou about the Walla Walla incident was part of a scheme to punish Mr. Bridges or retaliate against him for his views about WSBA's governance or management. Indeed, Ms. Ralph seems to have been surprised and a bit discomfited that Mr. Papailiou reported her information on to others. Further, although she may have misunderstood or misremembered some details of the discussion in the bar, it seems unlikely that she would have forgotten or misinterpreted Mr. Bridges' physical actions of getting and staying on the elevator past his floor or what he said when he did that.

In contrast, Mr. Bridges has a motive to deny the elevator interaction that goes beyond whether it in fact occurred—that is, he clearly recognizes his alleged actions could be considered inappropriate. Further, his evolving story does not strike me as simply a function of poor memory, but rather reflective of a conscious attempt to deny conduct that could cause him to be viewed unfavorably. Even before I asked anything about the elevator, he brought it up, offering that his room was on the ground floor and he therefore did not take the elevator. He similarly denied saying anything to Ms. Ralph about going to *his* room before I asked about him saying he would go to hers. Although he contends he knew from Mr. Davis that a comment about going to his room was an issue, Mr. Davis denies telling him that. I found no reason to disbelieve Mr. Davis on that point. Thus it appears that Mr. Bridges knew on his own, once he was informed

¹⁰ Ms. Ralph also mentions this situation, saying it felt awkward but probably would not have felt that way if the Walla Walla incident hadn't occurred.

there was a complaint by Ms. Ralph about his conduct at the Walla Walla retreat, that it probably related to their elevator ride, and he provided information he thought would show there was no reason for him to be on the elevator.

In his second interview, Mr. Bridges began to back off his absolute denial of going on the elevator and to admit it was possible he did, even before I informed him that evidence showed his room was on the second floor. Once I did that, he quickly shifted to a new story—that he would have taken the stairs to his room, which explained why he remembered not taking the elevator. The hotel's floor plan shows, however, that had Mr. Bridges accompanied Ms. Ralph to the elevator and exchanged a hug there, he would have had to backtrack some distance to get back to the stairs to his room. It seems more likely he would have gotten on the elevator with her; if he intentionally chose not to do so, he likely would have remembered and told me in his first interview about that decision and his taking the stairs. These factors together lead me to conclude Mr. Bridges more likely than not did as Ms. Ralph says—accompanying her on the elevator, riding to her floor, and indicating he might go to her room—before she made it clear there would be problems if he got off the elevator with her. At that point, he retreated.

It is undisputed that Mr. Bridges has engaged in no further conduct of a similar nature with Ms. Ralph since then. The small group of witnesses I interviewed likewise identified no similar conduct by Mr. Bridges toward other WSBA staff or Governors.

I hope this report is helpful. Please let me know if you have any questions.